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PATENT
Docket No.: 19226/2091 (R-5629)
[Handwritten signatures and initials]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) :	Kostyniak et al.)	Examiner:
)	N. Levy
Serial No. :	09/982,821)	
Cnfrm. No. :	8272)	Art Unit:
)	1614
Filed :	October 18, 2001)	
For :	NOVEL PHARMACEUTICAL)	
	FORMULATION TO LIMIT OR DELAY)	
	SURFACE ABSORPTION)	

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Box 2327
Arlington, Virginia 22202
Box:

Dear Sir:

In response to the March 31, 2003, written restriction requirement, applicants hereby elect the invention of Group III (claims 22-32), drawn to a method for delayed percutaneous delivery of one or more pharmaceutical compounds, with traverse.

However, applicants submit that all groups of invention identified in the outstanding office action are closely related and, therefore, would require common areas of search and consideration. Thus, there is no benefit in having these groups of claims examined and prosecuted in separate applications.

Further, in response to the election of species requirement, applicants hereby elect: (1) layered hydrous magnesium silicate as the species of clay; (2) hexadecyltrimethyl ammonium bromide as the species of ligand; (3) insect repellent as the species of pharmaceutical compound; (4) the skin as the species of surface; and (5) cream as the species of application. Claims reading on the elected species include claims 1-3, 5-13, 15-24, 26-35, 37-46, and 48-56.

Applicants submit that, at a minimum, the elected subject matter is allowable and, therefore, the claims should be examined to the extent of the presently claimed genus.

In view of the foregoing, applicants submit that the claims of Groups I, II, III, and IV should be examined on the merits at this time.

Applicants further submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: April 23, 2003

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office P.O. BOX 2327 Arlington, VA 22202, on the date below.	
<u>April 23, 2003</u> Date	<u>Ruth R. Smith</u> Ruth R. Smith